

a private Man. *Vide antea tit. Accessories & Felony, Br. Fresh Suit 3. & Plowd 37. a.*

Also if the Constable (or other Officer) shall see an Affray, and he coming to arrest them, the Affrayers do flie into another County, the Officer (as every other private person) may pursue them into the other County, and may stay or arrest them there; but the Officer cannot bring them out of that County, but must carry the Affrayers before some Justice of peace of the same County where they were taken, &c. But if the Affray be in one Town, and the Affrayers do flie into another Town, or into a Franchise or Liberty within the same County, the Officer may pursue them, and take them out of the Franchise, &c. by Fresh Suit. *Vide antea tit. Affray.*

See 2 E. 4. 6. But if the Constable hath arrested one upon a Warrant from a Justice of peace, and after the arrest the party escapeth (of his own wrong,) and flyeth into another County, the Constable may pursue and take him in the other County by Fresh Suit, and bring him before the Justice of peace upon whose Warrant he was first arrested, as it seemeth. See *Crompt. 172, 173. & antea tit. Felony by Statute.*

If a Prisoner taken in Execution shall make an Escape of his own wrong, and shall flie out of sight, and into another County, where the Sheriff hath no power, yet the Sheriff, &c. upon Fresh Suit, may take him again in any other County, and he shall be still said to be in Execution; yea, without Fresh Suit, the Sheriff, &c. may take him again, and keep him until he hath agreed with him: otherwise, if the Escape were by the consent of the Sheriff, &c. *Co. 3. 52. Br. Escape 4. 12.*

Now for the conveying of Prisoners to the Gaol, it must be at the proper charge of the Prisoners, if they have means or ability thereto; otherwise it must be at the charge of the Town where they are taken, 21 *Jac. c. 28. & 3 Caroli 4. confirmed.*

§. 11. charges.

And if the Prisoner shall refuse to bear the charge, the Justice, by his Warrant under his Hand and Seal, may cause the High-Constable of the Hundred, or Petty-Constable of the Town, where he hath any Goods, to sell so much thereof as will satisfy the Charges; and if the Prisoner have no Goods known, then the Parishioners of the Town, where he was apprehended, refusing to pay their Rate towards that Charge, may by like Warrant be distrained to pay the same. *Vide Stat. 3 Jac. cap. 10.*

And if a Man be arrested for Felony, and the Constable shall carry him to the Gaol, and the Gaoler will not receive him, the Constable must bring him back to the Town where he was taken, and that Town shall be charged with the keeping of him until the next Gaol-delivery, by the Opinion of the Book 10 *H. 4.* or the Constable or other party that arrested him may in such a case keep the Prisoner in his own House, as it seemeth. See 1 *E. 4. Br. Faux. Imprif. 25. sine.*

But the Gaoler denying to receive a Felon by the delivery of any Constable or Township, or taking any thing for receiving such, shall be punished for the same by the Justices of Gaol-delivery.

When a Statute doth appoint Imprisonment, but limits no time when the Offender shall be imprisoned, then he is to be imprisoned presently; as in case of a force, the Justices of Peace, upon view thereof, ought to commit the Offenders presently, for after they may not commit them.

§. 12. The time.

Also